

Item: _____
Fiscal Impact: _____ N/A
Funding Source: _____ N/A
Account #: _____ N/A
Budget Opening Required: ☐

ISSUE:

Application: ZT-13-2008. An ordinance amending Section 7-2-126 that addresses the division of two-family dwellings.

SYNOPSIS:

This ordinance would allow the two lots resulting from the division of a duplex lot to be less than 4,000 square feet if certain requirements are met.

BACKGROUND:

Mr. Darrin Balfour and Mark Sudbury are requesting an amendment to Section 7-2-126 which addresses the division of two-family dwellings. The current ordinance language allows a legally existing two-family dwelling or duplex to be divided into two separate dwellings or a twin home under certain conditions. One of those conditions is that each lot resulting from the division of a duplex lot must be at least 4,000 square feet. If approved, this ordinance would eliminate the 4,000 square foot minimum lot size and add additional standards that would verify that the property is appropriately maintained and require improvements to be made. Staff and the Planning Commission worked with the applicant to develop the list of improvements.

There are about 700 duplex buildings (1,400 dwelling units) in the City. According to the City's mapping system, about 30% of these duplex buildings are on lots that are less than 8,000 square feet in area.

There are two zones in the City that are specifically for duplexes – R-2-8 and R-2-6.5. The R-2-8 zone requires a minimum lot size of 8,000 square feet and the R-2-6.5 zone requires a minimum lot size of 6,500 square feet. Most of the duplexes in the City were constructed prior to 1980 (the year West Valley City was incorporated) under Salt Lake County's jurisdiction. For those duplexes that were built under the County's jurisdiction, the zoning requirements, if zoning was even in place, were different from those in place today.

Staff supports this ordinance change for two reasons. The first reason is that even if the duplexes on lots less than 8,000 square feet are nonconforming in terms of zoning, lot area, lot width, setbacks or parking, its very unlikely that the owners of these duplexes could or would make them conforming. The Zoning Ordinance allows nonconforming buildings to continue and even be rebuilt if they are destroyed by calamity or act of nature. The second reason is that this ordinance requires maintenance and improvements that may not be done otherwise.

RECOMMENDATION:

The Planning Commission recommends approval to the City Council.

SUBMITTED BY:

Steve Pastorik, Long Range Planning Manager